

Message Text

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12

ACTION EB-11

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC 7833

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E.O. 11652 N/A

TAGS: EIND, US, RP

SUBJ: PHILIPPINE COPYRIGHT PROTECTION

REF: STATE 165036

SUMMARY: ON SEPTEMBER 6 PRESIDENT MARCOS ISSUED DECREE 285 WHICH PERMITS COMPULSORY (I.E. WITHOUT PERMISSION OF COPYRIGHT HOLDER) LICENSING AND REPRINTING IN PHILIPPINE OF DOMESTIC AND FOREIGN EDUCATIONAL, SCIENTIFIC AND CULTURAL BOOKS AND MATERIALS AS A TEMPORARY OR EMERGENCY MEASURE WHENEVER PRICE BECOMES EXORBITANT.

COMMITTEE OF SEC OF EDUCATION AND CULTURE, DIRECTOR GENERAL OF NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY AND CHAIRMAN, MEDIA ADVISORY COUNCIL WILL MAKE DECISIONS ON WHICH WORKS TO BE SO PUBLISHED. AT SAME TIME, PRESIDENT SIGNED DECREE 284 WHICH AMENDS TARIFF AND CUSTOMS CODE TO INQUIRE PRIOR APPROVAL BY DEPARTMENT OF EDUCATION AND CULTURE FOR DUTY FREE IMPORTATION OF BOOKS AND PUBLICATIONS.

1. DECREE 285 IN PART IS AS FOLLOWS:

BEGIN QUOTE SECTION 1. WHENEVER THE PRICE OF ANY EDUCATIONAL, SCIENTIFIC OR CULTURAL BOOK, PAMPHLET, AND OTHER WRITTEN MATERIAL, WHETHER OF DOMESTIC OR FOREIGN ORIGIN, HAS BECOME SO EXORBITANT AS TO BE DETRIMENTAL TO THE NATIONAL INTEREST, AS DETERMINED AND DECLARED BY A COMMITTEE COMPOSED OF THE SECRETARY OF EDUCATION, THE DIRECTOR-GENERAL OF THE NATIONAL

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ECONOMIC AND DEVELOPMENT AUTHORITY, AND THE CHAIRMAN OF THE

MEDIA ADVISORY COUNCIL, SUCH BOOK, PAMPHLET OR WRITTEN MATERIAL MAY BE REPRINTED BY THE GOVERNMENT OR BY ANY PRIVATE PRINTER OR PRINTERS FOR A LIMITED PERIOD AND ONLY FOR THE PURPOSE OF MAKING THE SAME AVAILABLE TO THE PEOPLE AT RESONABLE COST.

SEC.2. THE REPRINTED BOOKS, PAMPHLETS AND MATERIALS SHALL BEAR PROPER ACKNOWLEDGMENT OF THE SOURCE, AUTHORSHIP, COPYRIGHT PROPRIETORS, AND PAST PRINTERS, IF KNOWN AS WELL AS THE NAMES AND ADDRESSES OF THE REPRINTER OR REPRINTERS. IF ABBREVIATED OR EDITED IN ANY MANNER, SUCH FACT SHALL BE STATED. THE FOLLOWING INSCRIPTION SHALL ALSO APPEAR ON THE COVERS THEREOF: "EXPORT OF THIS BOOK OR MATERIAL FROM THE PHILIPPINES IS PUNISHABLE BY LAW". THE EXPORT OF SUCH REPRINTS UNDER ANY CIRCUMSTANCES IS HEREBY PROHIBITED.

SEC. 3. THE REPRINTING OF THE ABOVE BOOKS, PAMPHLETS AND MATERIALS SHALL BE SUBJECT TO THE CONDITION THAT THE REPRINTER SHALL PAY, IN LOCAL CURRENCY, A ROYALTY OF THREE PERCENTUM (3 PERCENT) OF THE GROSS SELLING PRICE, IF SO DEMANDED BY THE AUTHORS, PUBLISHERS, OR COPYRIGHT PROPRIETORS CONCERNED, WHOEVER IS LEGALLY ENTITLED THERETO; PROVIDED, THAT IN THE CASE OF NON-RESIDENT AUTHORS, PUBLISHERS OR COPYRIGHT PROPRIETORS, THE PAYMENT OF THE ROYALTIES SHALL BE MADE ONLY TO THEM PERSONALLY IN THE PHILIPPINES OR THEIR RESPECTIVE REPRESENTATIVES OR BRANCH OFFICES IN THE PHILIPPINES.

SEC. 5. THE COMMITTEE HEREIN NAMED SHALL PROMULGATE RULES AND REGULATIONS FOR THE IMPLEMENTATION OF THIS DECREE.

SEC. 6. THIS DECREE SHALL TAKE EFFECT IMMEDIATELY, THE PROVISIONS OF ANY LAW, DECREE, EXECUTIVE ORDER, TREATY OR EXECUTIVE AGREEMENT TO THE CONTRARY NOTWITHSTANDING. END QUOTE

2. DECREE 284 AMENDS SECTION 105 OF CUSTOMS AND TARIFF CODE AND REQUIRES PRIOR APPROVAL BY DEPARTMENT OF EDUCATION AND CULTURE THAT THE IMPORTATIONS OF BOOKS AND PUBLICATIONS ARE FOR SCIENTIFIC OR EDUCATIONAL PURPOSES.

3. EMBASSY IS LOOKING INTO EXTENT TO WHICH GOP MAY INTEND TO ALLOW OR ENCOURAGE LOCAL REPRINTING AND WILL REPORT FUTHER UNCLASSIFIED

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DETAILS AS AVAILABLE. IN MEANTIME, EMBASSY WOULD APPRECIATE DEPARTMENT COMMENTS ON POSSIBLE EFFECTS OF DECREES, AS WELL AS ANY SUGGESTIONS REGARDING APPROACHES TO GOP.
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Message Attributes

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